

RESOLUTION NUMBER R- **313888**DATE OF FINAL PASSAGE **FEB 23 2022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING THE EXISTENCE OF A
SHELTER CRISIS IN THE CITY OF SAN DIEGO AND
SUSPENDING APPLICABLE PROVISIONS OF STATE
AND LOCAL LAW PURSUANT TO THE
CALIFORNIA GOVERNMENT CODE RELATED TO
PROVIDING PUBLIC FACILITIES TO MITIGATE
THE EFFECTS OF THE SHELTER CRISIS.

WHEREAS, a significant number of persons are living in the City of San Diego
(City), without the ability to obtain shelter; and

WHEREAS, every January, the Regional Task Force on Homelessness conducts an
annual Point-In-Time Count to collect data related to homelessness in the San Diego region;
and

WHEREAS, in January 2021, due to health and safety risks associated with the
Covid-19 pandemic, the Regional Task Force on Homelessness did not conduct a Point-in-
Time Count of unsheltered individuals; and

WHEREAS, the Point-In-Time Count conducted on January 23, 2020, showed that:

- 7,638 individuals are experiencing homelessness in the San Diego region, 78% of
whom indicated they became homeless while living in the region;
- 4,870 of those individuals live within the boundaries of the City, which number
represents approximately 64% of the regional total; the city with the next-largest
share has 10.3% of the regional total;
- The remaining population of 1,080, which represents approximately 14% of the
regional total, is spread among four areas made up of other city jurisdictions and
the unincorporated County: North County Inland, North County Coastal,

South County, and East County (each with 7.5%, 8.1%, 6.4%, and 14.3% of the total, respectively);

- 2,587 members of the City's homeless population are sheltered in emergency shelters, safe havens, or transitional housing;
- 2,283 members of the City's homeless population are unsheltered; this means that approximately 30% of the total number of unsheltered individuals in the region live within the boundaries of the City; and

WHEREAS, even though the number of unsheltered persons decreased during the last few years, homelessness is still a significant concern; and

WHEREAS, individuals without shelter are at risk of injury and harm due to exposure to the elements and due to other health-, safety-, and welfare-related circumstances and consequences associated with living outdoors; and

WHEREAS, such individuals generally camp or lodge overnight on or in City parks, sidewalks, parking lots, and beaches, leading to conditions that are in some cases unsanitary for individuals experiencing homelessness and for those visiting or using these City parks, sidewalks, parking lots, and beaches; and

WHEREAS, the effects and impacts of such camping and lodging activities have an adverse effect on the health and safety of the people in the City, including the population of individuals experiencing homelessness and the public at large; and

WHEREAS, the City provides funding for approximately 1,300 emergency shelter beds for individuals experiencing homelessness and has opened certain public facilities for operation of three shelters for homeless individuals and their belongings, including on the public right-of-way at the cul-de-sac of 16th Street and Newton Avenue in Barrio Logan, on

privately-owned property on the intersection of 17th and Imperial Streets in the Downtown community, and on City-owned property located inside the Concourse at 202 C Street in the Downtown neighborhood, that provide a “bridge” to housing (Temporary Bridge Shelters) for individuals who may be eligible for placement in permanent supportive housing; and

WHEREAS, City funded shelters and the Temporary Bridge Shelters improve access to sanitary conditions for individuals experiencing homelessness, but the number of shelter beds that these activities provide is at this time insufficient to house the number of unsheltered persons identified in the most recent Point-In-Time Count; and

WHEREAS, there is a need for additional shelter beds to accommodate the number of homeless individuals in the City in need of shelter; and

WHEREAS, the City may determine other public facilities are available for Temporary Bridge Shelters or other shelter-related purposes, including on City-owned or operated buildings, privately held land or facilities, and vacant or underutilized land; and

WHEREAS, pursuant to the provisions of California Government Code sections 8698 - 8698.4, the City may declare that a shelter crisis exists within its territory; and

WHEREAS, during a declared shelter crisis, provisions of any housing, health, habitability, planning or zoning, or safety standards, procedures, or laws shall be suspended provided the City has adopted and complies with local health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety; and

WHEREAS, to facilitate adoption of local standards and procedures, the California Department of Housing and Community Development adopted Appendix O to the California Building Code and Appendix X to the 2019 California Residential Code, which establish

minimum standards for emergency housing established pursuant to a declaration of shelter crisis; and

WHEREAS, the Council of the City of San Diego (Council) will be asked to consider amendments to the San Diego Municipal Code to adopt reasonable local standards and procedures for the design, site development, and operation of homeless shelters with local modifications and additions at a future date; and

WHEREAS, on FEB 07, 2022, the Council held a duly noticed public meeting and considered the written record for the action, as well as public comment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego (Council), that the Council hereby finds and adopts the recitals above as findings and determinations.

BE IT FURTHER RESOLVED, that the Council hereby finds and declares the existence of a shelter crisis in the City of San Diego pursuant to and in accordance with the provisions of California Government Code sections 8698-8698.4 because it finds that a significant number of persons in the City are without the ability to obtain shelter, which results in a threat to their health and safety.

BE IT FURTHER RESOLVED, pursuant to Government Code sections 8698-8698.4, that this declaration of the existence of a shelter crisis shall continue in effect until terminated by the Council, which termination shall not be effected while a significant number of persons remain without the ability to obtain shelter or while unsanitary sleeping and living conditions or other conditions endanger the health and safety of those unable to obtain shelter.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 8698.4 the provisions of state or local housing, health, habitability, planning and zoning, or safety standards and procedures for the design, site development, and operation of homeless shelters are deemed suspended and inapplicable to activities related to mitigating the shelter crisis because strict compliance with such provisions would prevent, hinder, or delay the mitigation of the effects of the shelter crisis; including specifically that these provisions are suspended and inapplicable to the establishment and operation of homeless shelters at any public facilities that the City may make available to unsheltered individuals as reasonably determined by the City to be necessary to mitigate the effects of the shelter crisis and that, with respect to such facilities, the Council authorizes the Mayor to apply reasonable local standards adopted by ordinance.

BE IT FURTHER RESOLVED, that the Council requests that the City's labor management representative expeditiously resolve, in accordance with approved memoranda of understanding between the City and its recognized employee organizations and the Meyers-Milias-Brown Act, any labor relations matters related to the City's response to the shelter crisis, as related to the use of any public facilities that the City may make available to unsheltered individuals.

BE IT FURTHER RESOLVED, that any one of the reasons stated herein as support for the declaration of a shelter crisis forms a sufficient basis on which to base that determination independent of any other justification for the determination.

BE IT FURTHER RESOLVED, that the Mayor, or designee, is authorized to execute documents and to perform acts as are necessary and appropriate to implement these approvals.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Chief Deputy City Attorney


HMF:sc
01/03/2022
Or.Dept: HSSD
Doc. No.: 2838498

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 07 2022

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/23/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 07 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 23 2022.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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